

REMARKS

The Office Action mailed January 12, 2009 has been reviewed and the comments therein were considered by the Applicants. Claims 10-22 stand rejected. Claims 10, 14, 18, and 22 have been amended. No new matter has been added. Upon entry of this Amendment, claims 10-22 remain pending in this application. Reconsideration and allowance of the instant application is respectfully requested.

Claim Rejections Under 35 U.S.C. §103

Claims 10-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hendricks *et al.* (U.S. Patent No. 5,798,785 “Hendricks”) in view of Beer (U.S. Patent No. 5,793,368, “Beer”). These rejections are traversed for at least the following reasons.

Amended claim 10 recites, among other features, “modifying the electronic programming guide using the at least one of the one or more presentation criteria to display an electronic programming guide in accordance with the user request and temporarily changing an object within the electronic programming guide without modifying the layout of the electronic programming guide.” Applicants submit that neither Hendricks nor Beer, alone or in combination, teaches or suggests the features of claim 10.

Hendricks discloses a set top terminal receiving menu template information, where each menu template represents a different portion of a whole menu, such as a background, logo, or overlay, and the menu templates may be deleted or altered using control signals received from a cable headend, in order to generate a menu. Col. 9, l. 60 – col. 10, l. 15. Beer discloses changing widget attributes and adding and deleting widgets to modify the user interface. Col. 3, lines 23-67. However, neither Hendricks nor Beer, alone or in combination, teaches or suggests *modifying* the electronic programming guide using the at least one of the one or more presentation criteria to display an electronic programming guide in accordance with the user request *and temporarily* changing an object within the electronic programming guide *without modifying* the layout of the electronic programming guide, as recited in claim 10.

Furthermore, claim 10 recites, “determining, at the broadcast receiving device, at least one of the one or more presentation criteria corresponds to the user request.” The Action alleges that Beer discloses this feature at col. 3, lines 16-67. See Office Action, page 5. In col. 3, lines 16-17, Beer discloses *a user* being able to select from a variety of different visual styles for a

user interface by adding, deleting, and changing attributes for widgets or objects associated with the user interface. Notably, nowhere does Beer teach or suggest *determining*, at the broadcast receiving device, at least one of the one or more *presentation criteria corresponds to the user request*, as recited in claim 10. The addition of Hendricks fails to cure this deficiency. Thus, Hendricks, alone or in combination with Beer, fails to teach or suggest *determining*, at the broadcast receiving device, at least one of the one or more presentation criteria corresponds to the user request. Accordingly, for at least these reasons, amended claim 10 is allowable over the combination of Hendricks and Beer.

Claims 11-13 depend from independent claim 10 and are allowable for at least the same reasons as discussed above with respect to claim 10 and further in view of the additional novel and non-obvious features recited therein.

Independent claims 14 and 18 have been amended to recite language substantially similar to claim 10 and are thus allowable for substantially similar reasons as those discussed above with respect to claim 10. Claims 15-17 and 19-21 depend from claims 14 and 18, respectively, and are thus allowable for at least the same reasons as their respective base claims, and further in view of the additional novel and non-obvious features recited therein.

Claim 22

Previously presented claim 22 is listed as rejected in the Disposition of Claims, however, the Office fails to identify any basis for this rejection. Accordingly, Applicants respectfully submit that claim 22 is allowable.

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully requests reconsideration and allowance of the instant application. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3000.

Respectfully submitted,

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